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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES

In re Application of:	Robert T. Bell, et al.
Serial No.:	09/032,083
Filing Date:	February 27, 1998
Group Art Unit:	2663
Examiner:	Huy D. Vu
Title:	SYSTEM AND METHOD FOR PERFORMING SIGNALING ON BEHALF OF A STATELESS CLIENT

I certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date shown below.

Esmarie A Garland
Name

November 13, 2001
Date of Signature

Honorable Assistant Commissioner
for Patents
BOARD OF APPEALS AND INTERFERENCES
Washington, D.C. 20231

Dear Sir:

APPEAL BRIEF

Appellants have appealed to this Board from the decision of the Examiner, contained in a Final Office Action mailed May 23, 2001, finally rejecting Claims 1-12, 14-32, and 34-105. Appellants mailed a Notice of Appeal on September 20, 2001. Appellants respectfully submit this Appeal Brief, in triplicate under 37 C.F.R. § 1.17(c).

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REAL PARTY IN INTEREST

The real party in interest for this Application under appeal is Cisco Systems, Inc. of San Jose, California.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to the Appellants, the undersigned Attorney for Appellants, or the Assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims Claims 1-12, 14-32, and 34-105 were rejected in the Final Office Action mailed May 23, 2001. Claims 1-12, 14-32, and 34-105 are all presented for appeal and are set forth in Appendix A.

STATUS OF AMENDMENTS

Appellants filed no amendments after the Final Office Action mailed May 23, 2001. However, Appellants submitted a response to the Final Office Action on August 22, 2001 that included a Declaration Under 37 C.F.R. § 1.131, which Appellants attach as Appendix B.

SUMMARY OF INVENTION

A communication system includes state-based clients and stateless clients, as well as a controller that facilitates communications between the state-based and stateless clients. Page 14, lns. 5-15; Fig. 2. Stateless clients and state-based clients couple to and communicate with each other using packet-based networks, such as Internet Protocol (IP) intranets and an external Internet. Page 13, lns. 6-13; Fig. 2. To facilitate communications sessions of the stateless clients, the controller translates between stateless messaging of the stateless clients and other control protocols. Page 14, lns. 5-15. In particular, the controller may translate between stateless signaling and state-based signaling to facilitate a media stream communications session between a stateless client and a state-based client. Page 16, lns. 1-11. The stateless clients and the state-based clients may then communicate information, such as voice, video, or data, using the established media stream communications session. *Id.*

ISSUES

Whether Claims 1-12, 14-32, 32-90 and 94-95 are unpatentable under 35 U.S.C. § 112, first paragraph, as containing subject matter that was not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Whether Claims 91, 93, 98-99, 101-102 and 104-105 are anticipated by U.S. Patent No. 6,201,804 to Kikinis ("*Kikinis*") under 35 U.S.C. § 102(e).

Whether Claims 1-12, 14-32, 34-90, 92, 94-97, 100 and 103 are unpatentable under 35 U.S.C. § 103(a) over various patents in combination with *Kikinis*.

GROUPING OF CLAIMS

Pursuant to 37 C.F.R. § 1.192(c)(7), Appellants request that all claims be grouped together for purposes of this appeal.

ARGUMENT

Rejections Under 35 U.S.C. § 112

The Examiner rejects Claims 1-12, 14-32, 34-90 and 94-95 under 35 U.S.C. § 112, first paragraph. 35 U.S.C. § 112, first paragraph, states:

> The specification shall contain a written description of the invention, and the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

In the Final Office Action, the Examiner reiterated an earlier rejection of amendments to the claims, stating that the original Specification fails to provide support for these amendments. During a telephonic interview conducted with Examiner Vu on August 2, 2001, the Examiner indicated that the Specification, which details devices communicating directly with and over packet networks, fails to support amendments to the claims calling out packet-based communications between devices. In particular, the Examiner requested that

Appellants submit a written response indicating support in the application as originally filed for packet-based communications between a state-based and stateless client.

Appellants respectfully submit that the Application as originally filed is rife with support for packet-based communications between system elements, including the stateless and state-based clients. In the Summary of the Invention, Appellants state: "The present invention introduces the broad concept of a controller that performs state-based signaling on behalf of a stateless client device to facilitate a communications session therewith." Page 5, lns. 16-19. In particular, the Summary identifies an embodiment in which the communications session is "a media stream communications session between the stateless client and the state-based terminal over an Internet Protocol (IP) -based network." Page 5, lns. 9-11.

In describing the IP-based network, the Summary states: "For the purposes of the present invention, the IP-based network shall include presently available, and present and future related networks that are derived in whole or in part from the Internet Protocol." Page 6, lns. 14-17. The Summary continues: "While the present invention is particularly advantageous when applied to an IP-based network, the principles of the present invention are equally applicable to any non-circuit switched networks, especially packet-based networks." Page 6, lns, 17-20.

The Detailed Description and accompanying Figures provide even greater detail with respect to packet-based networks and communications. In particular, FIGURE 2 illustrates "a schematic diagram of an embodiment of a communications network 200 constructed according to the principles of the present invention." Page 13, lns. 4-6. "The network 200 includes external first and second state-based terminals . . . and first, second and third stateless clients." Page 13, lns. 8-13. The Detailed Description goes on to specify potential transport protocols for the network, stating that the network 200 "may employ a transport protocol selected from the group consisting of an Internet Protocol (IP), an Internetwork Packet Exchange/Sequence Packet Exchange (IPX/SPX) and a Systems Network Architecture (SNA) or any other transport protocol that is applicable to any non-circuit switched-mode network." Page 16, lns. 17-21. Thus, the network 200 includes stateless and state-based clients that may communicate using packet-based communications.

For example, FIGURE 2 illustrates a media stream communications session (260) established between a stateless and a state-based client. This media stream communications session passes from the stateless client directly into an IP intranet (220) and then through an IP protocol gateway (215) and an external internet (210) before passing directly into a state-based terminal. Thus, FIGURE 2 and the accompanying description clearly support packet-based communications between the stateless and the state-based clients, which necessarily includes the exchange of packets between these clients.

The Claims as originally filed provide further support for packet-based communications between stateless clients and state-based clients. For example, Claim 1 as originally filed includes communications "facilitating a media stream communications session between said stateless client and said state-based terminal over an Internet Protocol (IP)-based network." And similarly, Claim 41 as originally filed includes communications "facilitating a media stream communications session between said stateless client and said state-based terminal over a packet network." Thus the Application as originally filed provides unambiguous support for the exchange of packets between stateless clients and state-based clients.

Based upon similar arguments presented in the Response to the Final Office Action, the Examiner responded in an Advisory Action dated September 10, 2001 that, "The Applicant fails to adequately point out support for the media stream comprised of packets exchanged between state less client and state based client." Appellants respectfully submit that the preceding discussion and the Specification as originally filed provide overwhelming support for these concepts. Therefore, Appellants respectfully request that the Board reconsider and reverse the Examiner's rejection of Claims 1-12, 14-32, 34-90 and 94-95 under 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. § 102

The Examiner rejects Claims 91, 93, 98-99, 101-102 and 104-105 under 35 U.S.C. § 102(e) as anticipated by *Kikinis*. As Appendix B, Appellants resubmit the Declaration establishing dates of conception prior to February 17, 1998, the effective U.S. filing date of *Kikinis*. Therefore, Appellants respectfully submit that *Kikinis* may not, alone or in

combination, be used to support rejections of any of the pending Claims in the Application. Thus Appellants respectfully request that the Board reconsider and reverse the Examiner's rejection of Claims 91, 93, 98-99, 101-102 and 104-105 under 35 U.S.C. § 102(e).

Rejections Under 35 U.S.C. § 103

The Examiner rejects Claims 1-6, 9, 11-12, 14-26, 29, 31-32, 34-47, 50-62, 65-73, 75-78 and 80-90 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,726,984 to Kubler, et al. ("*Kubler*") in view of *Kikinis*. Appellants submit that *Kubler* alone fails to disclose each and every element of any of the pending Claims and that, in light of the attached Declaration, *Kubler* may not be combined with *Kikinis*. Therefore, Appellants respectfully request that the Board reconsider and reverse the Examiner's rejection of Claims 1-6, 9, 11-12, 14-26, 29, 31-32, 34-47, 50-62, 65-73, 75-78 and 80-90.

The Examiner rejects Claims 41-46, 50-54, 56-61, 65-69,71-73, 75-78 and 80-90 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,605,737 to Iwami, et al. ("*Iwami*") in view of *Kikinis*. Appellants submit that *Iwami* alone fails to disclose each and every element of any of the pending Claims and that, in light of the attached Declaration, *Iwami* may not be combined with *Kikinis*. Therefore, Appellants respectfully request that the Board reconsider and reverse the Examiner's rejection of Claims 41-46, 50-54, 56-61, 65-69,71-73, 75-78 and 80-90.

The Examiner rejects Claims 10 and 30 under 35 U.S.C. § 103(a) as unpatentable over *Kubler* in view of *Kikinis*, as applied to Claim 1 above, and further in U.S. Patent No. 5,724,355 to Bruno, et al. ("*Bruno*"). Appellants submit that neither *Kubler* nor *Bruno*, alone or in combination, disclose each and every element of any of the pending Claims. Moreover, in light of the attached Declaration, *Kubler* and *Bruno* may not be combined with *Kikinis*. Therefore, Appellants respectfully request that the Board reconsider and reverse the Examiner's rejection of Claims 10 and 30.

The Examiner rejects Claims 74 and 79 under 35 U.S.C. § 103(a) as unpatentable over *Kubler* in view of *Kikinis*. Appellants submit that *Kubler* alone fails to disclose each and every element of any of the pending Claims and that, in light of the attached Declaration,

Kubler may not be combined with *Kikinis*. Therefore, Appellants respectfully request that the Board reconsider and reverse the Examiner's rejection of Claims 74 and 79.

The Examiner rejects Claims 7-8, 27-28, 48-49 and 63-64 under 35 U.S.C. § 103(a) as unpatentable over *Kubler* in view of *Kikinis*, as applied to Claim 1 above, and further in U.S. Patent No. 5,732,078 to Arango ("*Arango*"). Appellants submit that neither *Kubler* nor *Arango*, alone or in combination, disclose each and every element of any of the pending Claims. Moreover, in light of the attached Declaration, *Kubler* and *Arango* may not be combined with *Kikinis*. Therefore, Appellants respectfully request that the Board reconsider and reverse the Examiner's rejection of Claims 7-8, 27-28, 48-49 and 63-64.

The Examiner rejects Claims 1-6, 9, 11-12, 14-26, 29, 31-32, 34-40, 47, 55, 62 and 70 under 35 U.S.C. § 103(a) as unpatentable over *Iwami* in view of *Kikinis*. Appellants submit that *Iwami* alone fails to disclose each and every element of any of the pending Claims and that, in light of the attached Declaration, *Iwami* may not be combined with *Kikinis*. Therefore, Appellants respectfully request that the Board reconsider and reverse the Examiner's rejection of Claims 1-6, 9, 11-12, 14-26, 29, 31-32, 34-40, 47, 55, 62 and 70.

The Examiner rejects Claims 92, 94-97, 100 and 103 under 35 U.S.C. § 103(a) as unpatentable over *Kikinis*. In light of the attached Declaration, Appellants respectfully submit that *Kikinis* may not, alone or in combination, bar the patentability of any of the pending Claims. Thus Appellants respectfully request that the Board reconsider and reverse the Examiner's Claims 92, 94-97, 100 and 103.

The Examiner rejects Claims 96-97 and 103 under 35 U.S.C. § 103(a) as unpatentable over *Kikinis*, as applied to Claim 91 above, and further in view of *Bruno*. Appellants submit that *Bruno* alone fails to disclose each and every element of any of the pending Claims and that, in light of the attached Declaration, *Bruno* may not be combined with *Kikinis*. Therefore, Appellants respectfully request that the Board reconsider and reverse the Examiner's rejection of Claims 96-97 and 103.

CONCLUSION

Appellants have demonstrated that the present invention, as claimed in Claims 1-12, 14-32 and 34-105, is fully supported by the application as originally filed and is patentably distinct from the cited art. Accordingly, Appellants respectfully request that the Board reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance of Claims 1-12, 14-32 and 34-105 as last amended.

This Appeal Brief is being submitted in triplicate. Appellants enclose a check in the amount of $320.00 to cover the fee for this Appeal Brief. The Commissioner is hereby authorized to charge any extra fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: November 13, 2001

APPENDIX A - CLAIMS PRESENTED ON APPEAL

1. A system capable of performing state-based signaling on behalf of a stateless client, comprising:

a controller, couplable to a state-based terminal, that translates at least one stateless signaling message received from said stateless client to at least one state-based signaling message for presentation to said state-based terminal thereby facilitating a media stream communications session between said stateless client and said state-based terminal using an Internet Protocol (IP)-based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

2. The system as recited in Claim 1 wherein said controller translates at least one state-based signaling message received from said state-based terminal to at least one stateless signaling message for presentation to said stateless client.

3. The system as recited in Claim 1 wherein said controller comprises a protocol engine and a stateless client control engine.

4. The system as recited in Claim 1 wherein said controller forms an abstraction of said at least one stateless signaling message prior to translating.

5. The system as recited in Claim 1 wherein said system performs state-based signaling on behalf of a plurality of stateless clients.

6. The system as recited in Claim 1 wherein said media stream includes portions selected from the group consisting of:

voice,

video, and

data.

7. The system as recited in Claim 1 wherein portions of said media stream traverse a path between said stateless client and said state-based terminal without said controller.

8. The system as recited in Claim 1 wherein said at least one state-based signaling message and said at least one stateless signaling message traverse a signaling path separate from a path for said media stream.

9. The system as recited in Claim 1 wherein portions of said media stream traverse a path between said stateless client and said state-based terminal with said controller.

10. The system as recited in Claim 1 wherein said at least one state-based signaling message is based on a protocol selected from the group consisting of:

H.225,

H.235,

H.245, and

H.323.

11. The system as recited in Claim 1 wherein said stateless client is selected from the group consisting of a device having:

an individual telephone,

at least one digital trunk interface,

at least one analog trunk interface,

at least one digital station interface,

at least one analog station interface, and

a shared system resource.

12. The system as recited in Claim 1 wherein said at least one stateless signaling message includes an indication selected from the group consisting of:

a telephony "off-hook" event,

a telephony "on-hook" event,

a telephony "button depressed" event,

a telephony "digit dialed" event, and

a "client registration" event.

14. The system as recited in Claim 1 wherein said controller operates only with respect to call management and management of said media stream.

15. The system as recited in Claim 1 wherein said system is embodied as a sequence of instructions executable in a general purpose computer system.

16. A method of performing state-based signaling on behalf of a stateless client, comprising the steps of:

translating at least one stateless signaling message received from said stateless client to at least one state-based signaling message for presentation to said state-based terminal thereby facilitating a media stream communications session between said stateless client and said state-based terminal using an Internet Protocol (IP)-based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

17. The method as recited in Claim 16 further comprising the step of translating at least one state-based signaling message received from said state-based terminal to at least one stateless signaling message for presentation to said stateless client

18. The method as recited in Claim 16 further comprising the step of forming an abstraction of said at least one stateless signaling message prior to the step of translating.

19. The method as recited in Claim 16 wherein the method performs state-based signaling on behalf of a plurality of stateless clients.

20. The method as recited in Claim 16 wherein said media stream includes portions selected from the group consisting of:

voice,

video, and

data.

21. A system capable of performing state-based signaling on behalf of a stateless client, comprising:

a controller, couplable to a state-based terminal, that translates at least one state-based signaling message received from said state-based terminal to at least one stateless signaling message for presentation to said stateless client thereby facilitating a media stream communications session between said stateless client and said state-based terminal using an Internet Protocol (IP)-based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

22. The system as recited in Claim 21 wherein said controller translates at least one stateless signaling message received from said stateless client to at least one state-based signaling message for presentation to said state-based terminal.

23. The system as recited in Claim 21 wherein said controller comprises a protocol engine and a stateless client control engine.

24. The system as recited in Claim 21 wherein said controller forms an abstraction of said at least one state-based signaling message prior to translating.

25. The system as recited in Claim 21 wherein said system performs state-based signaling on behalf of a plurality of stateless clients.

26. The system as recited in Claim 21 wherein said media stream includes portions selected from the group consisting of:

voice,

video, and

data.

27. The system as recited in Claim 21 wherein portions of said media stream traverse a path between said stateless client and said state-based terminal without said controller.

28. The system as recited in Claim 21 wherein said at least one state-based signaling message and said at least one stateless signaling message traverse a signaling path separate from a path for said media stream.

29. The system as recited in Claim 21 wherein portions of said media stream traverse a path between said stateless client and said state-based terminal with said controller.

30. The system as recited in Claim 21 wherein said at least one state-based signaling message is based on a protocol selected from the group consisting of:

H.225,

H.235,

H.245, and

H.323.

31. The system as recited in Claim 21 wherein said stateless client is selected from the group consisting of a device having:

an individual telephone,

at least one digital trunk interface,

at least one analog trunk interface,

at least one digital station interface,

at least one analog station interface, and

a shared system resource.

32. The system as recited in Claim 21 wherein said at least one stateless signaling message includes an indication selected from the group consisting of:

a telephony "off-hook" event,

a telephony "on-hook" event,

a telephony "button depressed" event,

a telephony "digit dialed" event, and

a "client registration" event.

34. The system as recited in Claim 21 wherein said controller operates only with respect to call management and management of said media stream.

35. The system as recited in Claim 21 wherein said system is embodied as a sequence of instructions executable in a general purpose computer system.

36. A method of performing state-based signaling on behalf of a stateless client, comprising the steps of:

translating at least one state-based signaling message received from said state-based terminal to at least one stateless signaling message for presentation to said stateless client thereby facilitating a media stream communications session between said stateless client and said state-based terminal using an Internet Protocol (IP)-based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

37. The method as recited in Claim 36 further comprising the step of translating at least one stateless signaling message received from said stateless client to at least one state-based signaling message for presentation to said state-based terminal.

38. The method as recited in Claim 36 further comprising the step of forming an abstraction of said at least one state-based signaling message prior to the step of translating.

39. The method as recited in Claim 36 wherein the method performs state-based signaling on behalf of a plurality of stateless clients.

40. The method as recited in Claim 36 wherein said media stream includes portions selected from the group consisting of:

voice,

video, and

data.

41. A system capable of performing state-based signaling on behalf of a stateless client, comprising:

a controller, couplable to a state-based terminal, that translates at least one stateless signaling message received from said stateless client to at least one state-based signaling message for presentation to said state-based terminal thereby facilitating a media stream communications session between said stateless client and said state-based terminal using a packet network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

42. The system as recited in Claim 41 wherein said controller translates at least one state-based signaling message received from said state-based terminal to at least one stateless signaling message for presentation to said stateless client.

43. The system as recited in Claim 41 wherein said controller comprises a protocol engine and a stateless client control engine.

44. The system as recited in Claim 41 wherein said controller comprises a call manager messaging interface and a stateless client messaging interface.

45. The system as recited in Claim 41 wherein said controller forms an abstraction of said at least one stateless signaling message prior to translating.

46. The system as recited in Claim 41 wherein said system performs state-based signaling on behalf of a plurality of stateless clients.

47. The system as recited in Claim 41 wherein said network employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange / Sequenced Packet Exchange (IPX/SPX), and

a Systems Network Architecture (SNA).

48. The system as recited in Claim 41 wherein portions of said media stream traverse a path between said stateless client and said state-based terminal without said controller.

49. The system as recited in Claim 41 wherein said at least one state-based signaling message and said at least one stateless signaling message traverse a signaling path separate from a path for said media stream.

50. The system as recited in Claim 41 wherein said system is embodied as a sequence of instructions executable in a general purpose computer system.

51. A method of performing state-based signaling on behalf of a stateless client, comprising the steps of:

translates at least one stateless signaling message received from said stateless client to at least one state-based signaling message for presentation to said state-based terminal thereby facilitating a media stream communications session between said stateless client and said state-based terminal using a packet network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

52. The method as recited in Claim 51 further comprising the step of translating at least one state-based signaling message received from said state-based terminal to at least one stateless signaling message for presentation to said stateless client.

53. The method as recited in Claim 51 further comprising the step of forming an abstraction of said at least one stateless signaling message prior to the step of translating.

54. The method as recited in Claim 51 wherein the method performs state-based signaling on behalf of a plurality of stateless clients.

55. The method as recited in Claim 51 wherein said network employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange/Sequenced Packet Exchange IPX/SPX), and

a Systems Network Architecture (SNA).

56. A system capable of performing state-based signaling on behalf of a stateless client, comprising:

a controller, couplable to a state-based terminal, that translates at least one state-based signaling message received from said state-based terminal to at least one stateless signaling message for presentation to said stateless client thereby facilitating a media stream communications session between said stateless client and said state-based terminal using a packet network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

57. The system as recited in Claim 56 wherein said controller translates at least one stateless signaling message received from said stateless client to at least one state-based signaling message for presentation to said state-based terminal.

58. The system as recited in Claim 56 wherein said controller comprises a protocol engine and a stateless client control engine.

59. The system as recited in Claim 56 wherein said controller comprises a call manager messaging interface and a stateless client messaging interface.

60. The system as recited in Claim 56 wherein said controller forms an abstraction of said at least one state-based signaling message prior to translating.

61. The system as recited in Claim 56 wherein said system performs state-based signaling on behalf of a plurality of stateless clients.

62. The system as recited in Claim 56 wherein said network employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange/Sequenced Packet Exchange (IPX/SPX), and

a Systems Network Architecture (SNA).

63. The system as recited in Claim 56 wherein portions of said media stream traverse a path between said stateless client and said state-based terminal without said controller

64. The system as recited in Claim 56 wherein said at least one state-based signaling message and said at least one stateless signaling message traverse a signaling path separate from a path for said media stream.

65. The system as recited in Claim 56 wherein said system is embodied as a sequence of instructions executable in a general purpose computer system.

66. A method of performing state-based signaling on behalf of a stateless client, comprising the steps of: translating at least one state-based signaling message received from said state-based terminal to at least one stateless signaling message for presentation to said stateless client thereby facilitating a media stream communications session between said stateless client and said state-based terminal using a packet network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

67. The method as recited in Claim 66 further comprising the step of translating at least one stateless signaling message received from said stateless client to at least one state-based signaling message for presentation to said state-based terminal.

68. The method as recited in Claim 66 further comprising the step of forming an abstraction of said at least one state-based signaling message prior to the step of translating.

69. The method as recited in Claim 66 wherein the method performs state-based signaling on behalf of a plurality of stateless clients.

70. The method as recited in Claim 66 wherein said network employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange/Sequenced Packet Exchange (IPX/SPX), and

a Systems Network Architecture (SNA).

71. An Internet Protocol (IP)-based network, comprising: at least one state-based terminal capable of processing state-based signaling messages; at least one stateless client capable of processing only stateless signaling messages; and a server, couplable between said at least one state-based terminal and said at least one stateless client, comprising: a controller capable of performing state-based signaling on behalf of said at least one stateless client, including: a stateless client control engine that forms an abstraction of said at least one stateless signaling message received from said at least one stateless client; and a protocol engine that translates said abstraction to at least one state-based signaling message for presentation to said at least one state-based terminal thereby facilitating a media stream communications session between said at least one stateless client and said at least one state-based terminal, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

72. The network as recited in Claim 71 wherein said protocol engine forms an abstraction of at least one state-based signaling message received from said at least one state-based terminal, said stateless. client control engine translating said abstraction to at least one stateless signaling message for presentation to said at least one stateless client.

73. The network as recited in Claim 71 wherein said controller further comprises a call manager messaging interface and a stateless client messaging interface.

74. The network as recited in Claim 71 further comprising a gateway coupled between an intranet portion and an internet portion of said network.

75. The network as recited in Claim 71 wherein said controller is embodied as a sequence of instructions executable in a general purpose computer system.

76. An Internet Protocol (IP)-based network, comprising: at least one state-based terminal capable of processing state-based signaling messages; at least one stateless client capable of processing only stateless signaling messages; and a server, couplable between said at least one state-based terminal and said at least one stateless client, comprising: a controller capable of performing state-based signaling on behalf of said at least one stateless client, including: a protocol engine that forms an abstraction of said at least one state-based signaling message received from said at least one state-based terminal; and a stateless client control engine that translates said abstraction to at least one stateless signaling message for presentation to said at least one stateless client thereby facilitating a media stream communications session between said at least one stateless client and said at least one state-based terminal, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

77. The network as recited in Claim 76 wherein said stateless client control engine forms an abstraction of at least one stateless signaling message received from said at least one stateless client, said protocol engine translating said abstraction to at least one state-based signaling message for presentation to said at least one state-based terminal.

78. The network as recited in Claim 76 wherein said controller further comprises a call manager messaging interface and a stateless client messaging interface.

79. The network as recited in Claim 76 further comprising a gateway coupled between an intranet portion and an internet portion of said network.

80. The network as recited in Claim 76 wherein said controller is embodied as a sequence of instructions executable in a general purpose computer system.

81. A method of performing state-based signaling on behalf of a stateless client, the method comprising the following steps:

receiving, from a stateless client, a first packet comprising a stateless signaling message;

translating the first packet into a second packet comprising a state-based signaling message; and

communicating the second packet to a state-based terminal, thereby facilitating a media stream communications session between the stateless client and the state-based terminal using a packet network.

82. The method as recited in Claim 81 wherein translating the first packet comprises:

forming an abstraction of the first packet; and

translating the abstraction of the first packet into the second packet.

83. The method as recited in Claim 81 wherein the second packet and the first packet traverse a packet based signaling path separate from a path for the media stream communications session.

84. The method as recited in Claim 81 wherein the method performs state-based signaling on behalf of a plurality of stateless clients.

85. The method as recited in Claim 81 wherein communicating the second packet employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange/Sequenced Packet Exchange (IPX/SPX), and

a Systems Network Architecture (SNA).

86. The method as recited in Claim 81 wherein receiving a first packet employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange/Sequenced Packet Exchange (IPX/SPX), and

a Systems Network Architecture (SNA).

87. Software for performing state-based signaling on behalf of a stateless client, the software being embodied in a computer-readable medium and when executed by a computer operable to:

receive, from a stateless client, a first packet comprising a stateless signaling message;

translate the first packet into a second packet comprising a state-based signaling message; and

communicate the second packet to a state-based terminal, thereby facilitating a media stream communications session between the stateless client and the state-based terminal using a packet network.

88. The software as recited in Claim 87 wherein translate the first packet comprises:

forming an abstraction of the first packet; and

translating the abstraction of the first packet into the second packet.

89. An apparatus for performing state-based signaling on behalf of a stateless client comprising:

means for receiving, from a stateless client, a first packet comprising a stateless signaling message;

means for translating the first packet into a second packet comprising a state-based signaling message; and

means for communicating the second packet to a state-based terminal, thereby facilitating a media stream communications session between the stateless client and the state-based terminal using a packet network.

90. The apparatus as recited in Claim 89 wherein translating the first packet comprises:

forming an abstraction of the first packet; and

translating the abstraction of the first packet into the second packet.

91. A method for establishing a communications session with a remote state-based terminal, the method comprising the following steps performed at a stateless client:

receiving a call initiation signaling message generated at a remote state-based terminal and translated into a stateless call initiation signaling message for presentation to the stateless client to establish a communications session between the stateless client and the remote state-based terminal;

processing the stateless call initiation signaling message to determine that the stateless client is able to conduct the communications session initiated at the remote state-based terminal;

communicating a stateless acknowledgement signaling message for translation and delivery to the remote state-based terminal as a state-based acknowledgement signaling message; and

exchanging packets with the remote state-based terminal using a packet network.

92. The method as recited in Claim 91, wherein the method employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange / Sequenced Packet Exchange (IPX/SPX), and

a Systems Network Architecture (SNA).

93. The method as recited in Claim 91, wherein receiving a call initiation signaling message generated at a remote state-based terminal and translated into a stateless call initiation signaling message for presentation to the stateless client comprises receiving the call initiation signaling message from a stateless client control engine that receives an abstraction of the state-based signaling message from a state-based protocol engine and translates the abstraction of the state-based signaling message into the stateless call initiation signaling message.

94. The method as recited in Claim 91, wherein the stateless call initiation signaling message comprises a packet based telephony "Set Ringer On" message.

95. The method as recited in Claim 91, wherein the stateless acknowledgement signaling message comprises a packet based telephony "Station Off Hook" message.

96. The method as recited in Claim 91, wherein the state-based acknowledgement signaling message comprises a packet based H.225 Connect message.

97. The method as recited in Claim 91, wherein:

the remote state-based terminal comprises a computer executing telephony software that supports the H.323 protocol; and

the stateless client comprises an Internet Protocol (IP) device comprising a handset, wherein the device is operable to translate packets into voice information for presentation to a user and to generate packets from received voice activity of the user for presentation to the remote state-based terminal.

98. The method as recited in Claim 91, further comprising:

receiving a plurality of first packets generated at the remote state-based terminal for presentation to the stateless client;

translating the received first packets into voice information for presentation to a user of the stateless client;

receiving voice activity from the user;

generating a plurality of second packets that represent the voice activity; and

communicating the generated second packets for delivery to the remote state-based terminal.

99. A method for establishing a communications session between a remote state-based terminal and a stateless client, the method comprising the following steps performed at the stateless client:

receiving an indication to initiate a communications session between a stateless client and a remote state-based terminal using a packet based network;

communicating a stateless call initiation signaling message for translation and delivery to a remote state-based terminal as a state-based call initiation signaling message to establish the communications session between the stateless client and the remote state-based terminal;

receiving an acknowledgement signaling message generated at the remote state-based terminal and translated into a stateless acknowledgment signaling message for presentation to the stateless client; and

exchanging packets with the remote state-based terminal using a packet network.

100. The method as recited in Claim 99, wherein the method employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange / Sequenced Packet Exchange (IPX/SPX), and

a Systems Network Architecture (SNA).

101. The method as recited in Claim 99, wherein communicating a stateless call initiation signaling message for translation and delivery to a remote state-based terminal as a state-based call initiation signaling message comprises communicating the stateless call initiation signaling message to a stateless client control engine, wherein the stateless client control engine:

forms an abstraction of the stateless call initiation signaling message; and

communicates the abstraction of the stateless call initiation signaling message to a state-based protocol engine, wherein the state-based protocol engine translates the abstraction of the stateless call initiation signaling message into the state-based signaling message for presentation to the state-based terminal.

102. The method as recited in Claim 99, wherein receiving an acknowledgement signaling message generated at the remote state-based terminal and translated into a stateless acknowledgment signaling message for presentation to the stateless client comprises receiving the acknowledgement signaling message from a stateless client control engine, wherein the stateless client control engine:

receives an abstraction of a state-based acknowledgment signaling message from a state-based protocol engine, wherein the state-based protocol engine forms the abstraction from the state-based acknowledgment signaling message communicated from the state-based terminal; and

translates the abstraction of the state-based acknowledgment signaling message into the stateless acknowledgment signaling message.

103. The method as recited in Claim 99, wherein:

the remote state-based terminal comprises a computer executing telephony software that supports the H.323 protocol; and

the stateless client comprises an Internet Protocol (IP) device comprising a handset, wherein the device is operable to translate packets into voice information for presentation to a user and to generate packets from received voice activity of the user for presentation to the remote state-based terminal.

104. The method as recited in Claim 99, further comprising:

receiving a plurality of first packets generated at the remote state-based terminal for presentation to the stateless client;

translating the received first packets into voice information for presentation to a user of the stateless client;

receiving voice activity from the user;

generating a plurality of second packets that represent the voice activity; and

communicating the generated second packets for delivery to the remote state-based terminal.

105. The method as recited in Claim 99, wherein receiving an indication to initiate a communications session comprises receiving an off-hook signal in response to a user indicating a desire to establish a communications session.

APPENDIX B – Declaration Under 37 C.F.R. § 1.131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Robert T. Bell et al.
Serial No.:	09/032,083
Filing Date:	February 27, 1998
Group Art Unit:	2663
Examiner:	Huy D. Vu
Title:	SYSTEM AND METHOD FOR PERFORMING SIGNALING ON BEHALF OF A STATELESS CLIENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

DECLARATION UNDER 37 C.F.R. § 1.131

I, Robert T. Bell, an inventor in the above-identified Patent Application, hereby make the following declaration:

1. I am an inventor of the subject matter of the above-referenced Application entitled "System And Method For Performing Signaling On Behalf Of A Stateless Client," filed on February 27, 1998.

2. The Examiner rejected all claims of the current Application in an Official Action dated May 23, 2001 based, in whole or in part, on U.S. Patent No. 6,201,804, entitled "Network Telephony Interface Systems Between Data Network Telephony and Plain Old Telephone Service Including CTI Enhancement," filed on March 9, 1998 and issued on March 13, 2001 (the "Kikinis Patent"), a division of Application No. 09/024,923, filed on February 17, 1998 (the "Effective Date").

3. Prior to the Effective Date, my co-inventors and I developed a complete understanding and appreciation of the subject matter of the above-referenced invention. With

the help of a patent attorney, we generated a draft of the Application that, prior to the Effective Date, was substantially identical to and included all of the subject matter of the Application as filed. It is my belief that no drafts differing from the Application as filed remain to be submitted as exhibits to this Affidavit.

4. Between the Effective date and our filing date on February 27, 1998, a period of ten days, we finalized the paperwork in anticipation of filing. Exhibit A is an Assignment transferring the rights to this invention from each of the inventors. This Assignment, executed on February 25, 1998, demonstrates some of our continuing activities, which began prior to the Effective Date and continued through to the filing date of the Application at issue.

5. I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Executed this 24 day of July, 2001.

Robert T. Bell

Robert T. Bell